



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

LARRY JAMES TYLER,	§	
Plaintiff,	§	
vs.	§	CIVIL ACTION 9:22-01034-MGL
	§	
	§	
ALAN WILSON,	§	
Defendant.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
AND GRANTING DEFENDANT'S MOTION TO DISMISS**

Plaintiff Larry James Tyler (Tyler) filed this 42 U.S.C. 1983 lawsuit against Defendant Alan Wilson (Wilson). Tyler's lawsuit concerns his alleged wrongful incarceration for over ten years. He is self represented.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Wilson's motion to dismiss be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 20, 2022, and, on October 11, 2022, the Clerk of Court entered Tyler's objections. The Court has reviewed the objections, but holds them to be without merit. It will therefore enter judgment accordingly.

As the Magistrate Judge aptly noted, "[n]otably absent from [Tyler's] Amended Complaint is any allegation of [Wilson's] personal involvement in the alleged constitutional violations, which is fatal to his § 1983 action." Report at 4. Although Tyler makes several arguments as to why he thinks Wilson is liable for his being wrongfully incarcerated, all are unavailing. The Court will therefore overrule his objections.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Tyler's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court that Wilson's motion is **GRANTED**.

Along with Tyler's objections, he filed a motion for leave to file a supplemental complaint. The motion is **GRANTED** to the extent that he may file a second amended complaint not later than fourteen days after the date of this Order. If he fails to file an amended complaint during that time, this action will be dismissed with prejudice.

IT IS SO ORDERED.

Signed this 18th day of October, 2022, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Tyler is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.